

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.45911

Olena Khovostovska
Oleksandr Khovostovskyy

5939 Clayton Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on February 18, 2009, for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302 (b)(1)(2); 35-5-302 (b)(1)(6); 35-5-302 (b)(1); 35-5-302 (b)(1)(5) failure to repair decorative trim, cornices, door(s), window(s), metal/wood surfaces etc.; Baltimore County Zoning Regulations (BCZR) section 1B01.1D; (BCC) section 13-7-310, 13-7-312 failure to remove junk, trash and debris and failure to comply with Hearing Officer's Order dated August 6, 2008 on residential property zoned DR 5.5 known as 5939 Clayton Avenue, 21206.

On January 21, 2009, pursuant to § 3-6-205, Baltimore County Code, a Code Enforcement citation was issued. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$50,000.00 (fifty thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A review of the case file shows the mailing of the citation to the Respondents at the subject address was returned as undeliverable. Prior mailings to Respondents have also been returned undeliverable. Pursuant to an Order issued by Hearing Officer Brand on January 12, 2009, the most recent Citation was posted on the property door. Maryland Judiciary Case Search indicates an active property foreclosure case in Baltimore County Circuit Court, filed December 9, 2008. Foreclosure papers are fastened to the property door.

B. Photographs in the file taken February 17, 2009 show some trash and debris in the yard. Pursuant to prior Citations and Orders, the County has previously entered the property to remove trash and debris and cut grass, at the Respondents' expense. A civil penalty of \$10,000 has previously been assessed against Respondents pursuant to civil citation 08-5242.

C. Photographs in the file show deteriorated and missing siding, one boarded window, peeling paint and general disrepair.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed and placed as a lien upon the property in the amount of \$1000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the County may enter the property for the purpose of removing trash, garbage, junk and debris from the yard, at the expense of the property owner.

IT IS FURTHER ORDERED that the County shall re-inspect the property to determine whether the violations have been corrected. Additional civil penalties may be imposed for continued violations.

ORDERED this 3rd day of March 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer